

104TH CONGRESS
2D SESSION

S. 1794

To amend chapter 83 of title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member of Congress, congressional employee, or Federal justice or judge who is convicted of an offense relating to the official duties of that individual, and for the forfeiture of the retirement allowance of the President for such a conviction.

IN THE SENATE OF THE UNITED STATES

MAY 22, 1996

Mr. GREGG (for himself, Mr. REID, Mr. NICKLES, Mr. WARNER, Mrs. KASSEBAUM, Mr. THURMOND, Mr. SMITH, and Mr. BRYAN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend chapter 83 of title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member of Congress, congressional employee, or Federal justice or judge who is convicted of an offense relating to the official duties of that individual, and for the forfeiture of the retirement allowance of the President for such a conviction.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Congressional, Presi-
3 dential, and Judicial Pension Forfeiture Act”.

4 **SEC. 2. CONVICTION OF CERTAIN OFFENSES.**

5 (a) IN GENERAL.—Section 8312(a) of title 5, United
6 States Code, is amended—

7 (1) by striking “or” at the end of paragraph
8 (1);

9 (2) by striking the period at the end of para-
10 graph (2) and inserting “; or”;

11 (3) by adding after paragraph (2) the following
12 new paragraph:

13 “(3) is convicted of an offense named by sub-
14 section (d), to the extent provided by that sub-
15 section.”;

16 (4) by striking “and” at the end of subpara-
17 graph (A);

18 (5) by striking the period at the end of sub-
19 paragraph (B) and inserting “; and”; and

20 (6) by adding after subparagraph (B) the fol-
21 lowing new subparagraph:

22 “(C) with respect to the offenses named by sub-
23 section (d) of this section, to the period after the
24 date of the conviction.”.

25 (b) IDENTIFICATION OF OFFENSES.—Section 8312
26 of title 5, United States Code, is amended—

1 (1) by redesignating subsection (d) as sub-
2 section (e); and

3 (2) by inserting after subsection (c) the follow-
4 ing new subsection:

5 “(d)(1) The offenses under paragraph (2) are the of-
6 fenses to which subsection (a) of this section applies, but
7 only if—

8 “(A) the individual is convicted of such offense
9 after the date of the enactment of the Congressional,
10 Presidential, and Judicial Pension Forfeiture Act;

11 “(B) the individual was a Member of Congress
12 (including the Vice President), a congressional em-
13 ployee, or a Federal justice or judge at the time of
14 committing the offense; and

15 “(C) the offense is punishable by imprisonment
16 for more than 1 year.

17 “(2) The offenses under this paragraph are as
18 follows:

19 “(A) An offense within the purview of—

20 “(i) section 201 of title 18 (bribery of pub-
21 lic officials and witnesses);

22 “(ii) section 203 of title 18 (compensation
23 to Members of Congress, officers, and others in
24 matters affecting the Government);

1 “(iii) section 204 of title 18 (practice in
2 United States Court of Federal Claims or the
3 United States Court of Appeals for the Federal
4 Circuit by Members of Congress);

5 “(iv) section 205 of title 18 (activities of
6 officers and employees in claims against and
7 other matters affecting the Government);

8 “(v) section 207 of title 18 (restrictions on
9 former officers, employees, and elected officials
10 of the executive and legislative branches);

11 “(vi) section 208 of title 18 (acts affecting
12 a personal financial interest);

13 “(vii) section 209 of title 18 (salary of
14 Government officials and employees payable
15 only by the United States);

16 “(viii) section 219 of title 18 (officers and
17 employees acting as agents of foreign
18 principals);

19 “(ix) section 286 of title 18 (conspiracy to
20 defraud the Government with respect to
21 claims);

22 “(x) section 287 of title 18 (false, ficti-
23 tious, or fraudulent claims);

24 “(xi) section 371 of title 18 (conspiracy to
25 commit offense or to defraud the United States;

1 “(xii) section 597 of title 18 (expenditures
2 to influence voting);

3 “(xiii) section 599 of title 18 (promise of
4 appointment by candidate);

5 “(xiv) section 602 of title 18 (solicitation
6 of political contributions);

7 “(xv) section 606 of title 18 (intimidation
8 to secure political contributions);

9 “(xvi) section 607 of title 18 (place of
10 solicitation);

11 “(xvii) section 641 of title 18 (public
12 money, property or records); or

13 “(xviii) section 1001 of title 18 (state-
14 ments or entries generally).

15 “(B) Perjury committed under the statutes of
16 the United States in falsely denying the commission
17 of an act which constitutes an offense within the
18 purview of a statute named by subparagraph (A).

19 “(C) Subornation of perjury committed in con-
20 nection with the false denial of another individual as
21 specified by subparagraph (B).”.

22 **SEC. 3. ABSENCE FROM THE UNITED STATES TO AVOID**
23 **PROSECUTION.**

24 (a) IN GENERAL.—Section 8313 of title 5, United
25 States Code, is amended—

1 (1) by redesignating subsection (b) as sub-
2 section (c); and

3 (2) by inserting after subsection (a) the follow-
4 ing new subsection:

5 “(b) An individual, or his survivor or beneficiary, may
6 not be paid annuity or retired pay on the basis of the serv-
7 ice of the individual which is creditable toward the annuity
8 or retired pay, subject to the exceptions in section 8311(2)
9 and (3) of this title, if the individual—

10 “(1) is under indictment, after the date of the
11 enactment of the Congressional, Presidential, and
12 Judicial Pension Forfeiture Act, for an offense
13 named by section 8312(d)(2) of this title, but only
14 if such offense satisfies section 8312(d)(1)(C) of this
15 title;

16 “(2) willfully remains outside the United
17 States, or its territories and possessions including
18 the Commonwealth of Puerto Rico, for more than 1
19 year with knowledge of the indictment or charges, as
20 the case may be; and

21 “(3) is an individual described in section
22 8312(d)(1)(B).”.

23 (b) CONFORMING AMENDMENT.—Subsection (c) of
24 section 8313 of title 5, United States Code (as so des-

1 ignated under subsection (a)(1)) is amended by inserting
 2 “or (b)” after “subsection (a)”.

3 **SEC. 4. REFUND OF CONTRIBUTIONS AND DEPOSITS.**

4 Section 8316(b) of title 5, United States Code, is
 5 amended—

6 (1) by striking “or” at the end of paragraph
 7 (1);

8 (2) by striking the period at the end of para-
 9 graph (2) and inserting “; or”; and

10 (3) by adding at the end the following new
 11 paragraph:

12 “(3) if the individual was convicted of an of-
 13 fense named by section 8312(d) of this title, for the
 14 period after the conviction of the violation.”.

15 **SEC. 5. FORFEITURE OF PRESIDENTIAL ALLOWANCE.**

16 Subsection (a) of the first section of the Act entitled
 17 “An Act to provide retirement, clerical assistance, and free
 18 mailing privileges to former Presidents of the United
 19 States, and for other purposes”, approved August 25,
 20 1958 (Public Law 85–745; 72 Stat. 838; 3 U.S.C. 102
 21 note) is amended—

22 (1) by striking “Each former President” and
 23 inserting “(1) Subject to paragraph (2), each former
 24 President”; and

1 (2) by inserting at the end the following new
2 paragraph:

3 “(2) The allowance payable to an individual under
4 paragraph (1) shall be forfeited if—

5 “(A) the individual is convicted of an offense
6 described under section 8312(d)(2) of title 5, United
7 States Code, after the date of the enactment of the
8 Congressional, Presidential, and Judicial Pension
9 Forfeiture Act;

10 “(B) such individual committed such offense
11 during the individual’s term of office as President;
12 and

13 “(C) the offense is punishable by imprisonment
14 for more than 1 year.”.

○